

FEB 11 2009

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

RAS ADISA GAMBA OLUWA,

Plaintiff - Appellant,

v.

J. WOOD, Captain; et al.,

Defendants - Appellees.

No. 07-55830

D.C. No. CV-07-02647-AHS

MEMORANDUM *

Appeal from the United States District Court
for the Central District of California
Alicemarie H. Stotler, District Judge, Presiding

Submitted January 13, 2009**

Before: O'SCANNLAIN, BYBEE, and CALLAHAN, Circuit Judges.

California state prisoner Ras Adisa Gamba Oluwa appeals pro se from the district court's order denying his request to pursue his civil rights action in forma pauperis ("IFP"). We have jurisdiction under 28 U.S.C. § 1291. We review for

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

abuse of discretion. *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). We affirm.

The district court properly denied Oluwa’s IFP application because Oluwa is a three-strikes filer under 28 U.S.C. § 1915(g). Oluwa, “while a prisoner, filed more than fifty actions and appeals, at least three of which were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief could be granted.” *Oluwa v. Kuenzi*, 2004 WL 937358, at *1 (N.D. Cal. 2004) (citing previous actions filed by Oluwa). Oluwa did not appeal that decision, resulting in a final judgment on his status as a three-strikes filer. The district court also correctly determined that Oluwa did not show that he was “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

AFFIRMED.